

**UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

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|--|---|--------------------------------|
| IN RE: | § | |
| | § | |
| GABRIEL + BEACON HOLDING CO. LLC, | § | Case No. 15-33062-H5-11 |
| | § | |
| Debtor | § | CHAPTER 11 |

**CLEAR CREEK INDEPENDENT SCHOOL DISTRICT’S OBJECTION
TO CONFIRMATION OF DEBTOR’S AMENDED PLAN OF REORGANIZATION**
(Relates to Doc. # 51)

**To: The Honorable Karen K. Brown
United States Bankruptcy Judge:**

Clear Creek Independent School District (the “School District”), a secured creditor and party in interest, files the following Objection to the Debtor’s Plan of Reorganization filed on October 30, 2015 (doc. # 51) (the “Plan”), and respectfully show as follows:

Jurisdiction

1. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334, *et seq.* This is a core proceeding under 28 U.S.C. § 157(b)(2)(L). This Objection is designated as a contested matter under Bankruptcy Rule 9014.

Background

2. The School District is a political subdivision of the State of Texas, authorized and required by the Constitution and laws of the State of Texas to levy and collect ad valorem taxes and assessments on taxable property within its boundaries in order to discharge its statutory duties.
3. The School District filed an amended proof of claim for \$6,484.99 plus interest at the applicable non-bankruptcy rate for ad valorem taxes due as of the petition date for taxes,

penalties, and interest assessed on the Debtor's real property located in The Shores of Pelican Point (the "Property") within the School District as follows:

| Account | Tax Year(s) | Description | Claim Amount |
|---------|-------------|------------------------|--------------|
| R440799 | 2015 | Lot 2, Block 21 | 4,066.43 |
| R440800 | 2015 | Lot 3, Block 21 | 470.75 |
| R440802 | 2015 | Lot 5, Block 21 | 459.38 |
| R440803 | 2015 | Lot 6, Block 21 | 450.24 |
| R440801 | 2015 | Lot 4, Block 21 | 449.75 |
| R440786 | 2008-2015 | Reserve A (Recreation) | 57.84 |
| R440797 | 2008-2015 | Reserve B (Recreation) | 92.54 |
| R440798 | 2015 | Lot 1, Block 21 | 438.06 |

4. The School District's claims are secured by paramount prior perfected continuing enforceable liens on the Property, as provided by Sections 32.01 and 32.05(b) of the Texas Property Tax Code.

Proposed Plan Treatment

5. The claims of the School District are treated under Article B, Section 3.07, Class 5, Secured Ad Valorem Tax Claim of the Clear Creek ISD, of the Plan as follows:

3.07 **Class 5. Secured Ad Valorem Tax Claim of the Clear Creek ISD.** Class 5 consists of the secured *ad valorem* property tax claim of Clear Creek ISD for tax year 2015. The amount of this claim is \$2,676.26. The Debtor will pay the Class 4 claim in the normal course of business, on or before January 31, 2016.

and under the Miscellaneous Provisions Affecting all Creditors under Section 3.14 of the Plan, which provides for lien retention, interest, and default.

Objections

6. The School District objects to the confirmation of the Plan to the extent it fails to fully provide for the payment of the School District's claims.
7. The School District objects to the confirmation of the Plan to the extent it provides for the payment of inferior claims prior to the payment of the School District's claims.
8. The School District objects to the confirmation of the Plan to the extent it unfairly discriminates against the School District.
9. The School District votes against confirmation of the Plan.

Certificate of Conference

The undersigned certifies that he attempted to confer with Debtor's counsel to discuss the foregoing Objection to Confirmation on December 14, 2015, but was unable to do so.

WHEREFORE, PREMISES CONSIDERED, Clear Creek Independent School District respectfully requests that the Court sustain its objections to the Confirmation of Debtor's Plan of Reorganization, that it deny confirmation of the proposed Plan, and for such other and further relief, at law or in equity, as is just.

Respectfully submitted,

**PERDUE, BRANDON, FIELDER,
COLLINS & MOTT, L.L.P.**

/s/ Owen M. Sonik
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School District
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CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of December, 2015, I sent a true and correct copy of the above and foregoing Clear Creek Independent District's Objection to the Debtors' Plan of Reorganization to the following parties by the following means:

ATTORNEY FOR DEBTOR

Jon Parchman, whose email address is

jparch01@gmail.com

UNITED STATES TRUSTEE

Nancy Lynne Holley, whose email address is:

nancy.holley@usdoj.gov

Christine A. March, whose email address is:

Christine.a.march@usdoj.gov

And all other parties receiving notice via ECF e-notice.

/s/ Owen M. Sonik

Owen M. Sonik